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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

Report of the Secretary-General

Summary

The present report has been submitted in compliance with paragraph 16 of General Assembly resolution 60/23. It highlights the measures taken for the further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions, recent developments concerning the activities of the Assembly and the Economic and Social Council in the area of assistance to third States affected by the application of sanctions, and arrangements in the Secretariat related to assistance to third States affected by the application of sanctions.

* A/61/150 and Corr.1.

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I. Introduction

1. At its sixtieth session, the General Assembly adopted resolution 60/23, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", in which, inter alia, it requested the Secretary-General to submit a report to the Assembly at its sixty-first session on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions. The present report has been prepared in compliance with that request.

II. Measures for further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions

2. In accordance with its mandate, the Security Council Informal Working Group on General Issues of Sanctions received briefings on different sanctions-related issues by invited experts during 2005, including a briefing on the humanitarian implications of sanctions, on 11 November 2005, provided by the Chief of the Promotion of the Humanitarian Agenda Unit in the Office for the Coordination of Humanitarian Affairs.

3. In a report transmitted to the President of the Security Council dated 19 December 2005 (see S/2005/842, annex), the Informal Working Group on General Issues of Sanctions observed that, unlike comprehensive sanctions, targeted sanctions tended to have minimal negative effects on civilian populations and third States. The Working Group also noted, however, that if targeted sanctions were not properly designed and implemented, their legitimacy could be compromised and their usefulness questioned.

4. In a note dated 29 December 2005 (S/2005/841), the President of the Security Council observed that, following consultations among the members of the Council, it had been agreed that the mandate of the Informal Working Group on General Issues of Sanctions should be extended until 31 December 2006. The mandate of the Working Group would continue to be to develop general recommendations on how to improve the effectiveness of United Nations sanctions as well as, inter alia, to address, within that framework, as appropriate, and with the consensus of its members, a number of sanctions-related issues, including the assessment of the unintended impact of sanctions and ways to assist affected untargeted States.

5. During the reporting period, there were no pre-assessment reports or ongoing assessment reports concerning the likely and actual unintended impact of sanctions on third States. Some reports mandated by the Security Council touched upon the humanitarian and socio-economic consequences of sanctions in the target States. The Panel of Experts on Liberia submitted, in accordance with Security Council resolutions 1607 (2005) and 1647 (2005), reports whose focus included, as mandated, the humanitarian and socio-economic impact of the sanctions on Liberia (see S/2005/745, annex, and S/2006/379). Subsequently, on 20 June 2006, the Security Council adopted its resolution 1689 (2006), by which, inter alia, it concluded that sufficient progress had been made towards meeting the conditions

for lifting one of the two commodities sanctions imposed on Liberia — the timber sanctions — and therefore decided not to renew those measures.

6. On 31 July 2006, the Security Council adopted its resolution 1698 (2006) by which, inter alia, it requested the Secretary-General to present before 15 February 2007, in close consultation with the Group of Experts concerning the Democratic Republic of the Congo, a report comprising an assessment of the potential economic, humanitarian and social impact on the population of the Democratic Republic of the Congo of the possible measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups and militias in the eastern part of that country.

7. In the period under review, no sanctions committees were approached by Member States concerning special economic problems arising from the implementation of sanctions. As noted in the two previous reports of the Secretary-General, following the modifications made to the Iraq sanctions regime in May 2003, all of the Council's existing sanctions regimes are now targeted in nature and the unintended consequences for civilian populations and third States are thereby minimized.

8. On 22 June 2006, the President of the Security Council made a statement on behalf of the Council (S/PRST/2006/28), in which, inter alia, the Council resolved to ensure that sanctions were carefully targeted in support of clear objectives and were implemented in ways that balanced effectiveness against possible adverse consequences.

III. Recent developments related to the role of the General Assembly and the Economic and Social Council in the area of assistance to third States affected by the application of sanctions

9. Pursuant to paragraph 7 of General Assembly resolution 59/45, the Assembly and the Economic and Social Council have continued to play their respective roles in the area of assistance to third States affected by the application of sanctions.[1]

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10. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met from 3 to 13 April 2006. Chapter III.A of the report of the Special Committee contains a summary of the discussions on the question of the implementation of the Charter provisions related to assistance to third States affected by sanctions.[2]

Economic and Social Council

11. Pursuant to its decision 2000/32, the Economic and Social Council decided to include in the agenda of its substantive session of 2006 sub-item 13 (j) entitled "Assistance to third States affected by the application of sanctions". No advance

[1] During the period under review, there were no developments in the Committee for Programme and Coordination in the area of assistance to third States affected by the application of sanctions.

[2] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 33* (A/61/33).

documentation was requested. The Council considered the matter at its 37th meeting on 24 July 2006. It took no action under that sub-item.

IV. Arrangements in the Secretariat related to assistance to third States affected by the application of sanctions

12. In accordance with the relevant resolutions of the General Assembly,[3] the competent units within the Secretariat have continued to develop their capacity, as well as the appropriate modalities, technical procedures and guidelines, to continue, on a regular basis, to: collate and coordinate information about international assistance available to third States affected by the implementation of sanctions; continue developing a possible methodology for assessing the adverse consequences actually incurred by third States; and explore innovative and practical measures of assistance to the affected third States.

13. In this regard, it should be noted that the arrangements put in place in the Secretariat in 1996, as described in the report of the Secretary-General (A/51/317, paras. 4-11), as well as in his reports of 1997 and 2002 (A/52/308, para. 5, and A/57/165, para. 9), continue to apply. Since those arrangements were based on existing resources, however, the overall budgetary resources currently available to the departments concerned would have to be maintained into the future.

14. It is also understood that the existing arrangements for interdepartmental cooperation do not preclude further cooperation between the relevant departments, as appropriate, and that the setting in motion of the functions contemplated in several subparagraphs of paragraph 3 of General Assembly resolution 50/51 depends on a request by the Security Council, its organs or interested Member States.

[3] See resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157, 56/87, 57/25, 58/80 and 59/45.